



the candidate was not able to take the test on that day for medical reasons;

3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation;
6. When required for certain persons returning from military service (*see N.J.A.C. 4A:4-4.6A*); and
7. Other valid reasons.

In the instant matter, on her application, the petitioner did not check the box that she needed ADA (Americans with Disabilities Act) assistance. The petitioner took the examination even though special accommodations were not requested by her and had not been provided. There is no provision in the rules for a retest, which is not the same as a make-up examination. Once the examination is taken, a score is based on the given responses. Therefore, the petitioner has been exposed to the test questions. At this point, the administration of the examination is complete and in fairness to other candidates, the petitioner cannot be given the examination again.

It is noted that when a candidate has a disability which needs accommodation, he or she is required to check a box on the application that he or she needs ADA assistance. The candidate then receives a Special Notice with instructions for filling out a two-sided form indicating the type of assistance needed and a form for a physician to fill out. The petitioner did not check this box. Without any information from the petitioner regarding her needs and/or her problem, it is impossible to identify and respond to the petitioner's request. Information regarding ADA assistance is printed on the applications which need to be filed to determine eligibility. Further, the petitioner could have printed the form (DPF-725) available on the Civil Service Commission's (Commission) website,<sup>1</sup> and sent a request in writing to the address provided on the form. Information regarding ADA assistance is available on the Commission's website and in the Announcement and Online Application System User Guide. The petitioner indicated on appeal that she had a disability or condition that affected her performance on the written portion, yet did not make a request for ADA assistance on her application. Instead, she appeared for the examination, took it, did not notify the monitor of a condition which would preclude her from taking the examination on that date, and filed an appeal after leaving the test center. Thus, petitioner's situation does not meet the criteria for a make-up examination, and she cannot be retested.

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<sup>1</sup> At <http://www.state.nj.us/csc/about/publications/forms>

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6<sup>TH</sup> DAY OF OCTOBER, 2021

*Deirdre' L. Webster Cobb*

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Deirdre L. Webster Cobb  
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